

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 13-cr-20062-COOKE/Turnoff

UNITED STATES OF AMERICA,

v.

JOSE ROJO,

Defendant.

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REPORT AND RECOMMENDATION

THIS CAUSE is before the undersigned upon Defendant Jose Rojo's Motion to Exceed Statutory Cap. (ECF No. Unavailable). This matter was referred to the undersigned by the Honorable Marcia G. Cooke, United States District Judge for the Southern District of Florida. (ECF No. 209). A hearing on this motion was held on January 28, 2014. (ECF No. 231). The Court has considered the arguments, the court file, the applicable law, and is otherwise duly advised in the premises.

Defense counsel Joaquin Perez was appointed to represent, and did represent, Defendant Jose Rojo from his appointment on February 7, 2013, until December 5, 2013, in an indicted case on charges of medicare fraud. Pursuant to 18 U.S.C. § 3006 A(d)(3), through the instant motion, Mr. Perez seeks compensation in the amount of \$72,965.00, plus \$377.70 in costs, for a total of \$73,342.70, which exceeds the statutory maximum allowed for representation in a non-capital felony case.

Having heard from defense counsel and the government, the undersigned is satisfied that the requested fees and costs comport with the complexity of the issues in this case and are reasonable. In making this determination, the undersigned took into account several circumstances, including

but not limited to the following: voluminous discovery, complex issues involving mental health therapy medicare fraud, and a demanding client.

Accordingly, it is hereby **RESPECTFULLY RECOMMENDED** that Defendant Jose Rojo's Motion to Exceed Statutory Cap be **GRANTED**, and that defense counsel be awarded the amount of \$72,965.00 in attorney's fees, plus \$377.70 in costs, for a total award of \$73,342.70.

Pursuant to 28 U.S.C. §636(b)(1)(c), the parties may file written objections to this Report and Recommendation with the Honorable Marcia G. Cooke, United States District Judge, within fourteen (14) days of receipt. Failure to file objections timely shall bar the parties from attacking on appeal any factual findings contained herein. RTC v. Hallmark Builders, Inc., 996 F.2d 1144 (11th Cir. 1993); LoConte v. Dugger, 847 F.2d 745 (11th Cir. 1988).

RESPECTFULLY RECOMMENDED in Chambers, at Miami, Florida, this 29 day of January 2014.



WILLIAM C. TURNOFF
United States Magistrate Judge

cc: Hon. Marcia G. Cooke
All counsel of record